

AN ORDINANCE **9 6 9 2 7**

GRANTING A 10-YEAR LICENSE TO HOPESTER ENTERPRISES, INC. FOR USE OF EAST MISTLETOE PUBLIC RIGHT OF WAY FOR AN EXISTING GARBAGE DUMPSTER WITHIN A FENCED AREA, CONSTRUCTION OF CURBING AROUND THE FENCE, AND MAINTENANCE OF POTTED PLANTS AND A DECORATIVE METAL FENCE FOR THE CAPPARELLI'S RESTAURANT AT NORTH MAIN AND EAST MISTLETOE AVENUES, IN NCB 1705, FOR A \$5,000.00 LICENSE FEE, TO BE PAID IN FOUR PAYMENTS.

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WHEREAS, the Petitioner, **Hopester Enterprises, Inc.**, has requested from the City a License to use Mistletoe Avenue public right of way for an existing garbage dumpster within a fenced area, construction of curbing around the fence, and maintenance of potted plants and a decorative metal fence for the Capparelli's Restaurant business at North Main and East Mistletoe Avenues; and

WHEREAS, the City is agreeable to granting to the Petitioner a License Agreement for a ten (10) year term to use said public right of way in NCB 1705 for the consideration of \$5,000.00, payable in four payments within a year after City Council approval of this Ordinance; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, Development Services, Fire, San Antonio Water System, Southwestern Bell Telephone and City Public Service through a Letter Agreement dated October 24, 2002; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A License Agreement is hereby authorized between the City of San Antonio and **Hopester Enterprises, Inc.**, as Licensee, for a term of ten (10) years to use Mistletoe Avenue public right of way for an existing garbage dumpster within a fenced area, construction of curbing around the fence, and maintenance of potted plants and a decorative fence for the Capparelli's Restaurant business at North Main and East Mistletoe Avenues, in NCB 1705, at the locations shown on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes for a License Fee of \$5,000.00, payable in four payments within a year after City Council approval of this Ordinance. The City Manager or City Manager's designee is hereby authorized to execute a License Agreement, a copy of which, signed by the Licensee, is attached hereto as **Exhibit "B"** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a Letter Agreement, a copy of which is attached hereto as **Exhibit "C"** attached hereto and incorporated herein verbatim for all purposes and is further contingent upon payment of each of the four payments within the time periods set forth in the License Agreement.

SECTION 3. The License Fee shall be deposited into Fund No. 11-000 entitled "General Fund", Index Code No. 012732, entitled "License Agreements – Use of Right Of Way."

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance

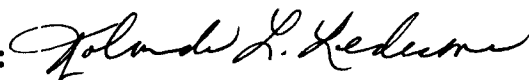
SECTION 5. This ordinance shall take effect on the 29th day of December, 2002.

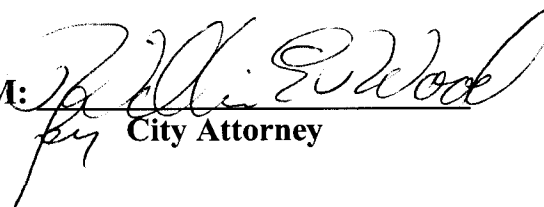
PASSED AND APPROVED this 19th day of December, 2002.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney